REMAKRS

Amendments to claims 1, 29, 32, 36, 46, 53, and 58 are for the purpose of clarifying what Applicant regards as the invention. No new matter has been added.

I.   Claim Rejections under § 101

Claims 1-22, 29-39, 46-49, 53-57, and 62 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter.

Claims 1, 29, and 53 have been amended to recite that an act is performed using a *processor*, and *storing* a task, at least a part of an optimized business process, or a proposed change, respectively. Thus, the subject matter of these claims is tied to a statutory class, and results in a physical transformation.

Claims 32 and 36 have been amended to recite volatile or non-volatile medium. Applicant notes that the subject application does not describe "non-volatile" medium as a form of energy. Rather, the subject application describes three categories of medium: volatile medium, non-volatile medium, and transmission medium (paragraph 69-70), with only the transmission medium covering medium as a form of energy. Claims 32 and 36 have been amended to recite volatile and non-volatile medium, and the description regarding the energy form of the transmission medium has been deleted in accordance with the Examiner's recommendation.

Claim 46 has been amended to positively recite a hardware element.

Thus, Applicant respectfully submit that these claims, and their respective dependent claims satisfy § 101.

II.   Claim Rejections under § 102 based on Charisius

Claims 29-31 and 62 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,938,240 (Charisius). Applicant respectfully notes that in order to sustain a claim rejection under § 102, each of the claim elements must be found, either expressly or inherently, in the cited reference.

Claim 29 recites obtaining data regarding *a result of a performance of said task*, and comparing said data with data regarding *a result of a previously performed task* for a previously created business process (Emphasis Added). Charisius does not disclose or suggest such limitations. Rather, Charisius discloses comparing "skill" of the resource-most-often-assigned (MG) to skills in role profiles (column 44, lines 15-25). Notably, a skill is what is required to perform a task, and therefore, it is not a result of a performance of a task. This is further evidenced from column 29, lines 5-6 of Charisius, where it is stated that examples of skill identifier include Java programming, architecture, or carpentry. Thus, within the context of Charisius, a skill refers to the knowledge that is required for completing a task, and is not a result of a performance of a task.

Also, Applicant notes that claim 29 describes comparing results of two performed tasks ("said task," and "a previously performed task"). Charisius does not disclose or suggest such limitations. As similarly discussed, Charisius describes comparing skill of MG to skills in role profiles, neither of which is a result of a performed task.

For at least the foregoing reasons, claim 29 and its dependent claims are believed allowable over Charisius.

Claim 29 also recites automatically determining an optimized *business process* based at least on said comparing (Emphasis Added). Charisius also does not disclose or suggest such limitation. According to page 7 of the Office Action, column 44, lines 15-25 of Charisius allegedly disclose identifying an optimal role. However, Applicant respectfully notes that a "role" is not a "business

process." Thus, a disclosure of identifying an optimal role does not disclose or suggest determining an optimized business process. For these additional reasons, claim 29 and its dependent claims are believed allowable over Charisius.

III.   Claim Rejections under § 102 based on Leisten

Claims 53, 55, 56, 58, and 61 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,023,702 (Leisten). Applicant respectfully notes that in order to sustain a claim rejection under § 102, each of the claim elements must be found, either expressly or inherently, in the cited reference.

Claim 53 has been amended to recite *proposing a change* using a processor in said business process based on information regarding a result of an activity performed by said entity, *thereby allowing a user to accept the change* (Emphasis Added). Claim 58 has been amended to recite similar limitations. Leisten does not disclose or suggest such limitations. Rather, the cited passage (column 5, lines 1-11) of Leisten discloses that a work process object is dynamically changing, and does not disclose or suggest that a change is *proposed*. Also, Applicant notes that the act of changing a work process is not the same as proposing a change. This is because making a change directly does not allow a user an opportunity to accept the change. On the other hand, proposing a change allows a user an opportunity to accept the change.

Leisten also does not disclose or suggest that the proposed change is based on information regarding a result of an activity performed by an entity. Rather, the cited passage (column 12, lines 50-57) of Leisten discloses detecting inconsistency in task sequences, and resetting all changes that follow the first detected inconsistency. Thus, in Leisten, the changes are based on detected

inconsistency, and is not based on information regarding a result of an activity performed by an entity.

For at least the foregoing reasons, claims 53 and 58, and their respective dependent claims, are believed allowable over Leisten.

IV.   Claim Rejections under § 103

Claims 1-22, 32-39, 46-50, 52, 54, 57, 59, and 60 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Leisten in view of Charisius.

Claims 1, 36, 46, and 50 recite that said entity model comprises information regarding a *work efficiency* of said entity/person (Emphasis Added). Claim 32 recites that said entity template comprises information regarding a *work efficiency* of said entity (Emphasis Added). Applicant agrees with the Examiner that Leisten does not seem to fairly state such limitations. Applicant further notes that Leisten does not disclose or suggest such limitations. Rather, Leisten discloses "professional skills" (column 19, line 51 to column 20, line 4). Notably, "skill" is not the same as "work efficiency." This is because "skill" measures knowledge and ability, while "work efficiency" measures an efficiency to perform a given task. Thus, the "professional skills" in Leisten cannot be considered to be the claimed "work efficiency."

Charisius also does not disclose or suggest the above limitations. According to page 18 of the Office Action, column 28, line 64 to column 29, line 16 of Charisius allegedly disclose "skill identifiers, or a skill strength" which is considered to be the claimed "work efficiency." As similarly discussed, "skill" is not the same as "work efficiency" because they represent different things. This is further evidenced from column 29, lines 5-6 of Charisius, where it is stated that examples of "skill identifier" include Java programming, architecture, or carpentry. Thus, within the context of

Charisius, "skill identifier" refers to the knowledge that is required for completing a task, and is not work efficiency. In addition, Applicant notes that the claims recite work efficiency *of said entity/person* (Emphasis Added). Notably, the "skill identifier" in Charisius is described as a requirement for completing a task (column 28, line 64 to column 29, line 16), and does not refer an entity or person's work efficiency.

Since both Leisten and Charisius do not disclose or suggest the above limitations, any combination of them, and their combined teaching, cannot result in the subject matter of the claims. Note that a prima facie case of a § 103 rejection cannot be established if cited references all fail to disclose a single element in the claim. For at least the foregoing reasons, claims 1, 32, 36, 46, and 50, and their respective dependent claims, are believed allowable over Leisten, Charisius, and their combination.

In addition, Applicant notes that the claims describe that information regarding the work efficiency *be a part of an entity model or entity template* (Emphasis Added). Leisten and Charisius do not disclose or suggest that information regarding work efficiency of an entity/person be a part of an entity model/template. Applicant notes that in order to sustain a § 103 rejection, the cited references must disclose the elements in the same arrangement or relationship as that described in the claim. For this additional reason, claims 1, 32, 36, 46, and 50, and their respective dependent claims, are believed allowable over Leisten, Charisius, and their combination.

CONCLUSION

Based on the foregoing, all claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. **50-1105,** referencing billing number **LS001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. **50-1105,** referencing billing number **LS001**.

Respectfully submitted,

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